IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 2015 of 2005

Between:

A. Sambaiah, S/o. Ramulu,
R/o. 15-6-13, Papaiahpet Chaman, Warangal, Warangal District.

..... PETITIONER

AND

1. The Vice Chairman & Managing Director,

APSRTC, MUSHEERABAD, HYDERABAD.
2. The Regional Manager, APSRTC, WARANGAL Region,

at Warangal, Warangal Dist.
3. The Personnel Officer, APSRTC, Warangal Region,

Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate Writ, Order or direction, preferably one in the nature of *Writ of Mandamus*, declaring the action of the respondents in not issuing posting order to the Petitioner as Driver Grade II as illegal and arbitrary and consequently direct the respondents to issue posting orders to the Petitioner herein pursuant to the representation of the Petitioner dated 28.10.2004 as Grade II Driver in APSRTC forthwith.

Counsel for the Petitioner: MRC.RAJA SEKHAR REDDY

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court made the following:

ORDER:

For declaring the action of the respondents in not issuing the posting orders to the petitioner as Driver Grade II as arbitrary and illegal, the present writ petition is filed.

2. The learned counsel for the petitioner contended that the petitioner could not be in a position to join duty in pursuance of the posting orders since two days prior to the date of joining his father died, and, therefore, he prays to consider his representation of the petitioner.

3. On the other hand, the learned counsel for the respondents contended that since the petitioner has not approached the Corporation within a reasonable time, there is no need to give any posting orders to the petitioner.

4. No doubt, the petitioner was selected as Driver Grade II through a regular due selection process and he was undergone training also in the year 1999. The posting orders were given on 11.10.2001 directing the petitioner to report before the second respondent on 14.10.2001. It is the case of the petitioner that the petitioner was unable to attend the office on 14.10.2001 before the 2nd respondent, as his father was expired on 12.10.2001 i.e. two days prior to the posting orders of the petitioner. For that reason, he could not join the duty on the prescribed date. But, till the representation dated 28.10.2004, the petitioner has not made any representations to the respondent to consider his case, within a reasonable time. Therefore, on that ground the petition deserves to be dismissed inasmuch as no right of the petitioner has been infringed or violate.

Accordingly, the writ petition is dismissed. No costs.

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(K.C. BHANU, J)

09.02.2005.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman & Managing Director,

APSRTC, MUSHEERABAD, HYDERABAD.
2. The Regional Manager, APSRTC, WARANGAL Region,

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3. The Personnel Officer, APSRTC, Warangal Region,

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